Science

Re invention
Act 1855
for steam
vessels
delay

Washington Feb 3, 58

My Dear Sir

As I may not have an
opportunity to have much conversation with
you this morning I thought I would take the
liberty of committing to paper some suggestions
of mine for your consideration — In my
opinion it is highly desirable to fortify the
argument you made to the Court yesterday
(which they decided against you) that you should
show the manifest injury that would result
as you intended to prove ~~that~~ the Court &
Jury that the very Experiment on which they
rely for damages was founded in deception if not
in fraud, as the calculation is not made from
the amount of actual savings of Wood but to show
how much Wood the Columbia burned and then
taking their 2/5 & 3/5 as their compensation, so that
the more wood the Boat burnt the more profit
enures to them — Now it can be easily ascertained
if the calculation is made that the Columbia
burned about her usual quantity of Wood when

the experiment was tried, by taking the quantity said
to be wheat she burned when the experiment was made
without the cut-off, as she ordinarily did. Calculating
the average time it took the Columbia to make her trips
from Alex to Baltimore at 24 hours which is about
the time and ascertaining the time she took to burn
the pile, you will find the quantity to be some
where between 20 & 24 cords. I have no doubt at this
if you cat Mr Worthington have the printed record
he could soon ascertain exactly. — Then take
the result in the same manner as to the trial
with the cut-off and you will find the quantity
consumed would not exceed 14 or 15 Cords, why
then should the Company not have the benefit
of the smaller quantity, than be compelled to pay
for the larger quantity.

We intended also to prove that the
right of the Patentee was questioned as to its
being an original invention

We should also have given in evidence
that money was paid to Agents in this
City & elsewhere for obtaining contracts from the
Government amounting to over $6000. —

We should have proved also that as
late as the year 1834 the Patentee sold his
entire claim including the Cut off to Mr
Mattingly against this Company for $400. —

We should also have shown that this
Company has paid already to Mr Mattingly
near $3000 which is at least ten times more
than other Company's have paid, and that it
can be proved that the Steam Packet Co was
to have the right at as low a price as the
Augusta or any other Boat Company. —

If you can get any of the above evidence
in your bill of exceptions it would show
to the Supreme Court the injustice of ruling
such evidence out. —

I recollect in taking up the suit of Brady
versus the Steam Packet Co (sometime in 1838 or 40 see
Peters Reports) Walter Jones made a motion in the
Court below stating that he wanted to prove certain
facts which if he had been permitted by the Court
he could not have done, formed the ground
of the Supreme Court for sending it back, saying
that the Court should not have precluded
such testimony. — If no steps are

taken to show to the Supreme Court that
We had other & very important evidence &
show to the Jury why they should not find
for the defendant the Court must suppose
that We had none to offer. —

With great respect
Your ms Ob St

J. M. Carlisle Esq[r]

J. M. Carlisle

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